

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARIA DIAGNOSTICS, INC.,

No. C 11-06391 SI

Plaintiff,

ORDER ON APPLICATION TO SEAL

v.

SEQUENOM, INC.,

Defendant.

SEQUENOM, INC.,

Counterclaim Plaintiff,

v.

ARIA DIAGNOSTICS, INC.,

Counterclaim Defendant,

and

ISIS INNOVATION LIMITED,

Nominal Counterclaim Defendant

Currently before the Court is defendant and counterclaimant Sequenom's application to seal portions of its reply in support of its motion for a preliminary injunction and related declarations. Docket No. 104. The application is supported by a declaration from Sequenom (Declaration Michael Malecek) and a declaration from plaintiff and counterclaim defendant Ariosa (Declaration of Jason Sullivan).

The Court GRANTS in part and DENIES in part the application to file portions of Sequenom's reply brief under seal. Specifically, the Court finds good cause at this juncture to allow Sequenom to file under seal the following portions of its reply: (1) the text at page 12, lines 6-8, 21, 25-27; (2) the text at page 13, lines 3-4; (3) the text at page 14, lines 12-14; and (4) the text at page 15, lines 9-10. The remainder of the reply brief shall be publicly filed.

The Court also GRANTS Sequenom's application to file portions of the Supplemental Declaration of William Welch in support of its reply under seal. Specifically, the Court finds good cause at this juncture to allow Sequenom to file the following information included in or attached to the declaration under seal:

1. Page 2: The highlighted text at lines 20-25.
2. Page 3: The highlighted text at lines 7-19.
3. Page 4: The highlighted text at lines 3-4, 9-11.
4. Page 5: The highlighted text at lines 1-4, 6-10 and 20-24.
5. Page 6: The highlighted text at lines 5, and 11-15.

The Court also GRANTS Sequenom's application to file portions of the Supplemental Declaration of Mark I. Evans in support of its reply under seal. Specifically, the Court finds good cause at this juncture to allow Sequenom to file the following information included in or attached to the declaration under seal:

1. Page 21: The highlighted text at line 27.
2. Page 22: The highlighted text at lines 1-16.
3. Exhibits 17 and 18.

The Court also GRANTS Sequenom's application to file portions of the Declaration of Peter Root in support of its reply under seal. Specifically, the Court finds good cause at this juncture to allow Sequenom to file the following information included in or attached to the declaration under seal:

1. Root Decl., Ex. 1 (Deposition of Dr. John R. Stuelpnagel)
 - a. The testimony on page 74, lines 2-25.
 - b. The testimony on page 75, lines 2-9.
 - c. The testimony on page 93, lines 2-25.


- 1 d. The testimony on page 102, lines 9-22.
- 2 e. The testimony on page 138, lines 3-20.
- 3 f. The testimony on page 176, lines 3-25.
- 4 g. The testimony on page 177, lines 2-25.
- 5 h. The testimony on page 178, lines 2-25.
- 6 i. The testimony on page 181, lines 3-25.
- 7 j. The testimony on page 182, lines 2-11.
- 8 k. The testimony on page 193, lines 2-25.
- 9 l. The testimony on page 194, lines 2-17.
- 10 m. The testimony on page 214, lines 2-25.

- 11 2. Exhibits 14-19 and 21-22.

12 Sequenom shall e-file under seal (pursuant to General Order No. 62), unredacted copies of the
13 documents it has been given leave to file under seal and e-file in the public docket redacted copies of
14 the same.

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16 **IT IS SO ORDERED.**

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18 Dated: June 13, 2012



SUSAN ILLSTON
United States District Judge